

**MORONGO
BAND OF
MISSION
INDIANS**



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**Statement of the Honorable Maurice Lyons
Chairman of the Morongo Band of Mission Indians
on S. 1721, the American Indian Probate Reform Act of 2004
Before the
Committee on Resources
United States House of Representatives
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Thank you Mr. Chairman for inviting the Morongo Band of Mission Indians to provide you with our testimony concerning S. 1721, the American Indian Probate Reform Act of 2004, a bill to amend the Indian Land Consolidation Act. The Morongo Tribe has been actively involved in working with those drafting this legislation over the past several years and I have testified before the Senate Committee on Indian Affairs in 2002 and 2003 in an effort to get this bill passed. I come before you today with the same intent.

As you might know, in 2002 Senator Ben Nighthorse Campbell, Chairman of the Senate Committee on Indian Affairs asked the Department of Interior to delay implementation of certain provisions of the Indian Land Consolidation Act Amendments of 2000 (the Act) pending further Congressional review of concerns and confusion that has arisen in Indian country about the consequences – both intended and possibly unintended—of those amendments. To date, the Department appears to have honored the Senator's request and we are thankful for their willingness to do so.

As I have explained to members of the Senate, provisions within the 2000 Act prompted the Department to send out a series of notices to individual tribal members alerting them of expected changes to the rules of intestate succession and inheritance. These provisions would constrain the passing of interests in trust and restricted land to non-Indians and the notices had an immediate detrimental impact on our tribe's ability to plan for the future and manage our tribal lands effectively and our tribal members' ability to pass their land down to their children and grandchildren.

While the Department has to date been willing to not implement the amendments from the 2000 Act, we know that they are not able to defer this action forever. To this end, we encourage you to act swiftly on this matter.

The Morongo Reservation is located approximately 17 miles west of Palm Springs. Our tribal membership enrollment is 1,200 and the reservation comprises approximately 33,000 acres of trust land, of which 31,115.47 acres are held in trust for the tribe, and 1,286.35 acres are held in trust for individual allottees or their heirs.

We at Morongo share the desire of Congress to preserve the trust status of existing allotments and other Indian lands, and we appreciate this Committee's hard work in 1999 and 2000 to strike a balance in the Indian Land Consolidation Act Amendments of 2000 between the individual property rights and interests of allottees and the sovereign rights and interests of tribal governments. However, we now recognize unintended consequences from this legislation have come about.

For example, because of the way that the 2000 Act now defines "Indian," the Morongo Band is faced with having to revise its own membership criteria in order to enable some of our enrolled members to pass their interests in trust allotments to their own children.

Congress must understand that we do not feel revising our membership is a solution. The fact is that change of membership is a very divisive matter for tribal governments and their members. We should not be forced to amend our membership criteria in order to protect the right of our members' children to continue having interests in their family lands.

Further, under the 2000 amendments to ILCA, in an effort to prevent Indian lands from passing out of trust, non-Indian heirs were to be allowed to receive a life estate in Indian lands. Perceived as a substantial new restriction, this provision actually had the reverse effect, prompting many tribal members to petition to have their lands taken out of trust to protect the investments they made in the lands through improvements.

S. 1721 includes a solution to the problem we face in California. Specifically, the interplay between the revised definition of "Indian" and the new definition of "eligible heirs" will provide for anyone that owns an interest in trust or restricted land in the State of California to continue to qualify as an "Indian" for the purpose of this Act. As such, the heirs of that individual, without respect to membership qualifications in the Morongo Tribe, will be eligible to own trust lands upon the death of the owner. These changes will allow members of my family who may no longer be eligible for membership in the Morongo Tribe—but are most definitely American Indians—to carry on the traditions of our family on our lands.

Due to the unique history of reservations and rancherias in California, this definition highly warranted. Mr. Chairman, as you know, tribes which exist today were largely cobbled together based on the geographic proximity of native people. For example, the Morongo Band of Mission Indians is made up from people who descended from Cahuilla, Chemehuevi, Luiseño, Serrano and many others. These people all lived in the same area and were combined into the Morongo Indian Reservation. This situation is shared by many of the tribes located in California and is the basis for a much needed definition for those native people who live California.

Mr. Chairman, thank you for your time and willingness to hear about the concerns of the Morongo Band of Mission Indians.